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10/749,597	12/30/2003	Tea Gyu Kang	2013P153	8556

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EXAMINER	
NGO, NGUYEN HOANG	
ART UNIT	**PAPER NUMBER**
2616	
MAIL DATE	**DELIVERY MODE**
07/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/749,597	KANG ET AL.	
	Examiner	Art Unit	
	NGUYEN NGO	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/7/2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6 and 8-11* is/are rejected.

7)☒ Claim(s) *2 and 7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is in response to the amendment of 9/7/2007. All changes made to the Specification, have been entered. Accordingly, Claims 1-11 are currently pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1, 3-6, 8-11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spear (US 2004/0037314), in view of Hoffmann et al. (US 2005/0008030), hereinafter referred to as Spear and Hoffmann.

Regarding claim 1, 3, 6, 8, 11 Spear discloses a media-gateway controller comprising:

a storage unit (operating instructions embodied in a computer readable medium such as memory, page 3 [0020]),

a receiver, which receives first call setting data including codec data of a caller from the caller and receives first call response data including codec data of a callee from the callee as a response to second call setting data having been transmitted to the callee (gateway 310 receiving a first encoded signal from a first mobile station 230 using the codec from a first radio subsystem, page 3 [0021] and figure 2 and figure 3); Figure 2 further teaches of a mobile station 1 (230, caller) and a mobile station 2 (250, callee) which sends and receives encoded signals.

a data transformer (cross-coding element 330 of figure 3); and

a transmitter, which transmits the second call setting data to the callee and transmits the second call response data to the caller (gateway 310 routes the first encoded signal to the cross coding element 330 to convert the first encoded signal to produce a second encoded signal based on the first encoded signal. The second encoded signal being based on a second codec used by a second mobile station (callee) and communicating (through transmitter) the second encoded signal to mobile station 2, page 3 [0021] and figure 2 and figure 3).

Spears however fails to specifically disclose a codec conversion table indicating a relationship between a first codec and a second codec in conversion from the first codec to the second codec and how the gateway searches the codec conversion table for a first codec using the caller's codec data as an index, adds a second codec

corresponding to the searched first codec to the first call setting data to generate the second call setting data, searches the codec conversion table for a second codec using the callee's codec data as an index, and replaces the callee's codec data included in the first call response data with a first codec corresponding to the searched second codec to generate a second call response data. Spears however discloses of a cross-coding element which converts a first encoded signal into a second encoded signal and that a plurality of coded such as EVRC, CELP, SMV, and etc. may be used. Hoffmann further discloses of a decision tables, which stores information regarding which side (caller or callee) support which CODEC (page 2 [0036] and figure 2 and figure 3) and switching between CODEC. It would have thus been obvious to a person skilled in the art at the time the invention was made to incorporate a CODEC table which has information pertaining CODECS of a caller and callee side as disclosed by Hoffmann into the method for cross coding between encoded protocols as disclosed by Spears in order to correctly and efficiently convert encoded signals through a gateway using a table.

Regarding claim 4, 5, 9, 10 the combination of Spears and Hoffman, more specifically Hoffman discloses the media-gateway controller of claim 1, wherein when the caller's codec data included in the first call setting data comprises all of first and second (or at least one) codecs included in the codec conversion table, the data transformer does not transform the first call setting data and generates the second call setting data which is the same as the first call setting data (page 3 [0040]). It should be noted that when the

caller side and the callee side operate using the same codec such as EVRC, no conversion is necessary.

Allowable Subject Matter

4. Claim 2 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments filed 9/7/2007 have been fully considered but they are not persuasive.

6. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., means to recognize the information of the codec used by each side, means to recognize the codec data of the caller from the caller, and receives the first call response data including the codec data of the callee from the callee, and means to inform each side of the codec data of the other side) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

7. Applicant further submits that the combination of Spear and Hoffman fails to disclose a codec conversion table indicating a relationship between a first codec and a second codec in conversion from the first codec to the second codec and how the gateway searches the codec conversion table for a first codec using the caller's codec data as an index, adds a second codec corresponding to the searched first codec to the first call setting data to generate the second call setting data, searches the codec conversion table for a second codec using the callee's codec data as an index, and replaces the callee's codec data included in the first call response data with a first codec corresponding to the searched second codec to generate a second call response data. Examiner however insists that it is not unreasonable to correlate the teaching of Hoffman as stated in claim 1 to this limitation as Hoffman discloses of decision tables, which stores information regarding which side (caller or callee) support which CODEC (page 2 [0036] and figure 2 and figure 3) and switching between CODEC. Figure 2 and 3 clearly discloses of a conversion table, which is used to convert between CODECS (page 2 [0026]-[0027]). Spears further discloses of a cross-coding element which converts a first encoded signal into a second encoded signal and that a plurality of coded such as EVRC, CELP, SMV, and etc. may be used. Examiner simply uses the teachings of Hoffman to disclose the limitation of a conversion table, in which Spears is silent about. Examiner uses the teaching of Spear to illustrate the transmission of data from a caller to a callee in which incorporates codec conversion through a gateway (figure 3). Examiner then uses the teaching of Hoffman to illustrate the specific limitation of a conversion table to convert between CODECs.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NGUYEN NGO whose telephone number is (571)272-8398. The examiner can normally be reached on Monday-Friday 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Firmin Backer can be reached on (571)272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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